

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
October 24, 2018

The Highland Board of Zoning Appeals met on October 24, 2018 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Leep.

ROLL CALL: Present were Mr. Leep, Mr. Martini and Mrs. Murovic. Also present were Building Commissioner Mr. Ken Mika and Attorney Mr. Jared Tauber.

MINUTES: The minutes of the September 26, 2018 meeting were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be November 28, 2018 at 6:30 p.m. There will be no Board of Zoning Appeals meeting in December due to the proximity of the Christmas holiday.

COMMUNICATIONS: None

Mrs. Murovic stated that there were only three board members present at this BZA meeting and there are generally five, so if any of the parties present wished to request a continuance of their hearing, they could do so. Mr. Tauber stated that the voting needed to be a majority, so any decisions made tonight would have to be unanimous in order for it to pass or not pass. He also stated that if there is a stalemate on any issue, it would be continued to the next meeting in November. None of the parties chose a continuance of their hearing, so the meeting continued as scheduled.

Old Business: Continued Public Hearing for Target Corporation, 10451 Indianapolis Boulevard, Highland, IN 46322, represented by Kevin Nowak of Kimley-Horn & Associates, 1001 Warrenville Road, Lisle, IL, requesting a variance to exceed sign allowance and sign square footage. **18.85.030 Sign types.** (B) Permanent Business Signs. (1) Location. (a) One permanent business sign shall be required for all buildings and businesses in a nonresidential zoning district. Such sign shall be placed above the front entrance of the business, but no higher than the second story of the building where the business is located. **18.85.030 Sign types.** (B) Permanent Business Signs. (3) Size. (a) For single-use buildings, permanent business signs shall not exceed 40 square feet in gross sign area. (b) For multi-use and mixed-use buildings, the maximum gross area for

permanent business signs shall be either one square foot for each linear foot of frontage that the building occupies, or 150 square feet, whichever is less.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Kevin Nowak, an analyst from Kimley-Horn & Associates, representing Target stated his name and address. He stated that Target is undergoing a national re-branding movement to refresh their stores, both interior and exterior. Target is requesting the approval of a variance for the exterior of the store located at 10145 Indianapolis Blvd. in Highland. They are requesting two new bullseye signs, one on the south elevation and one on the east elevation. They would be approximately 100 square feet each. They are also requesting a second variance to increase the square footage of the existing bullseye sign to 227 square feet. Mr. Nowak also stated that they wanted to include a 25 square foot order pick-up sign. Mr. Mika pointed out that the order pick-up would be considered a directional sign and would not be included in the variance request. Mr. Nowak summed up that there would be three total bullseye signs on the building if they were granted the variance, one larger at 227 sq. ft. and two smaller at 100 sq. ft. each.

Mrs. Murovic opened the discussion to the public. Hearing no remonstrance, she brought the discussion back to the board.

Mr. Martini brought up the fact that they were asking for two additional bullseye signs. Mr. Nowak explained that Target felt that the increased signs would help with visibility from traffic in all directions, and thus result in an increase in customers to the store.

Mr. Martini explained the board has typically allowed one sign on the building and one monument sign or, if no monument sign is erected, they may be allowed an additional sign on the building. He also stated that what Mr. Nowak was asking for has not been allowed in the past and that he would vote against the variance for the additional signage being granted.

Mr. Tauber commented that the board would have to make two separate motions, one for the number of signs and one for the increase of square footage on the existing sign.

Mrs. Murovic asked what the reason was for needing additional/larger signage. Mr. Nowak stated that it was mainly for the increased visibility. Mrs. Murovic pointed out that when the Town creates an ordinance for signs, a lot of thought goes into it and they are deciding what they want to be representative of the Town. She also stated that what Target is asking for is an exception to what is allowed. Mr. Leep stated that he felt the existing monument signs already serve the purpose of visibility.

Mr. Leep motioned to deny the request for additional signs on the building. Mr. Martini seconded and it unanimously passed with a roll-call vote of 3 – 0.

Mr. Martini motioned to grant the increased square footage of the existing sign on the west elevation. Mr. Leep seconded. Mrs. Murovic requested that Mr. Nowak provide the

board with the existing square footage of the sign in question. Mr. Nowak was not able to provide the square footage of the existing sign and requested the permission to make a phone call to try to get that information for the board before the meeting adjourned. The board granted the permission to Mr. Nowak and the motion was tabled until later in the evening. The board continued with the next hearing until he was able to provide the requested information.

New Business: Public Hearing for John P. Rastovsky, 10120 Kennedy Avenue, requesting a variance to exceed accessory structure allowance, asking to construct a 30' x 48' (1,440 sq. ft.) accessory building at the location of 10120 Kennedy Ave. {HMC 18.05.060 (F) (5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. John P. Rastovsky of 10120 Kennedy Avenue, Highland, IN stepped forward and stated his name and address. His brother, James Rastovsky of 2804 Hillside Drive, Dyer, IN also stepped forward, stated his name and address and announced that he would be representing his brother this evening due to his brother's medical conditions.

Mr. Rastovsky stated they were requesting a variance to construct an auxiliary building as an accessory structure that would exceed the Town's maximum allowed square footage of 720 sq. feet. He explained that the first photo in the package they presented to the board showed the house, the existing garage, the borders and layout of his brother's property. The second item in the package was the plat of survey with the location of the proposed building marked. There was also a drawing of the proposed structure and the construction details.

Mr. Rastovsky stated the need for the additional accessory structure was storage for his brother's classic car collection, a trailer and a transport vehicle used for moving the vehicles to various car shows. He has acquired various vintage parts for the cars over the years and needs to store them and will also use it to store his riding lawn mowers and yard equipment. He planned to eliminate the existing garage, so would also use the new structure to store his daily use vehicles. Mr. Rastovsky stated the car collection had been stored at the home of their late brother in Schererville until he recently passed away. His late brother's widow has requested the removal of the collection from her property now that her husband has died. Mr. Rastovsky mentioned that the alternatives for storing the collection were either renting a very large building that was larger than he needed, or storing the cars in a storage facility where they would be spread out over 4 or 5 locations and they would also have the issue of security to deal with. His brother's collection was estimated at \$125,000 - \$150,000 and they want to keep it together under one roof with adequate security. He also comes back from car shows late at night and they often don't allow access to the facility after a certain time at night. Mr. Rastovsky also stated that it was much more economical to purchase a building because the rental costs for two years would be the same as purchasing the building outright. He spoke about the fact that his

brother is a heart and liver transplant recipient and that it has been very stressful for him since he was informed that he must re-locate his car collection. He has been advised to stay out of high-pressure situations. Mr. Rastovsky stated that the proposed building will be well set back from the street and there would be little exposure to Kennedy Avenue. He also pointed out that the garage would fit in well with the surroundings and would be uniform for the area because there was a business immediately across the street. He also mentioned that they had spoken to the neighbors and none of them had any problem with the proposed building. Mr. Rastovsky also pointed out that it would be much easier for his brother to perform the upkeeps to the cars before shows if they were right on his property rather than him running around to take care of them, especially with his health concerns.

Mrs. Murovic opened the discussion to the public. Hearing no remonstrance, she brought the discussion back to the board.

Mr. Martini asked Mr. Rastovsky if he planned to take down the existing garage. He replied that yes, they did plan to take it down. Mr. Martini then asked what the square footage of the existing garage was. He replied that the existing garage was 620 square feet. Mrs. Murovic asked if the driveway going to the garage was just dirt. Mr. Rastovsky replied that it was gravel, but they did have plans to extend the concrete pads from the new garage and finish off the driveway with concrete.

Mr. Mika stated that, even though this was an older residential area with large, long lots, it was still residential and you generally don't have storage facilities on residential lots to facilitate car collections. There is a business across the street that is considered light industrial, but it is a legal use that is "grandfathered" in and most likely would not be allowed in the area today. He went on to say that the building being proposed is a pole barn. He stated that there have been a lot of problems with the appearance of those buildings in the past and this is something that should be taken into consideration. Mrs. Murovic pointed out that even with buildings of smaller size that were of metal construction, the board has not agreed to their construction. Mr. John and Mr. James Rastovsky pointed out that there was a newer structure on Kleinman that was of a very similar size and style with metal siding. Mr. James Rastovsky stated that the building they were proposing would not be an eye-sore and that it would blend in on John's property more than in other areas. He also brought up the fact again that it was so much better financially to purchase and install the building than to rent space for the cars at other locations. Mrs. Murovic pointed out to him that the board would not consider the financial aspect as a hardship and would not take that into consideration.

Mr. Martini admitted that when he opened the package and saw the metal siding and metal roof, it was a turn-off. He asked the brothers if they had considered reconstructing the existing garage. Mr. Rastovsky answered that it would cost more to do that than take it down and purchase the new building.

Mrs. Murovic asked if the footprint of the new building would be larger than that of the residence. Mr. Rastovsky said it would be larger.

Mr. Martini stated that the property was in an R-1 zone and that if they granted this variance, they would possibly have to grant many others in the future. Mr. Rastovsky stated he felt the exception to their case is that his brother's property is located in an area of town where it would blend in and he had a large enough area for the structure where it would be set way back, about 150' off Kennedy and wouldn't look out of place. He also mentioned the color would match the house and that it didn't come out well in the printed picture given to the board. They also mentioned there were trees around that would landscape it and help to make it less visible from the road. Mr. Rastovsky asked if there was anything they could do to make this work out for them and that his brother didn't need any more stress in his life. Mr. Martini suggested that he could reduce the size of the structure and that the proposed size of 1,440 square feet was too much. Mr. Rastovsky asked if they could go with 1,200 square feet. Mr. Martini stated that the standard was 720 square feet. He also pointed out that if they could agree on a number, he would still be against the metal siding. It would have to be something different, more pleasing to the eye. The Rastovsky brothers asked how the others who had put up pole barns had gotten away with doing it. Mrs. Murovic pointed out that the ordinances had changed since they were put up. Mr. Mika stated there was a revision to the ordinance in November of 2017, and both of the buildings they were referring to had been constructed prior to that revision being adopted, and that the style/appearance of building they were trying to construct is the reason why the ordinance was revised. Mrs. Murovic pointed out that if they were to change the size and possibly the appearance of the proposed building, they would have a greater chance of the board approving the variance. Mr. Rastovsky stated that the building the cars were currently stored in was the same size as what they were asking for and they needed that much space. A smaller building would be of little or no value to them considering their needs.

Mr. Leep motioned to deny the variance. Mr. Martini seconded.

Mr. Rastovsky asked that he be provided with the information of what had changed from the prior year. Mr. Mika replied that it was in the Residential District Design Standards. Mr. Rastovsky again stated that he needed someone to show him that and he didn't want to waste anyone's time, but he had observed other similar buildings and didn't know ordinances would have changed in the time since they were constructed.

Mr. Mika stated that a continuance could be granted to them tonight. Mr. Rastovsky replied he would like to request a continuance until there were more board members present. Mr. Martini suggested Mr. Rastovsky come up with a plan A, B and C. He also stated he did not like metal siding. He also felt that 1,400 or 1,200 square feet was too much.

Mr. Mika pointed out that the board had recently granted a variance for similar square footage on an accessory structure on a neighboring property.

Mr. Leep stated that if the Rastovsky's could come up with a structure that was more aesthetically pleasing, such as wood structure, and other siding material, they would be

willing to work with them due to the fact that the other variance for additional square footage on an accessory structure had recently been granted by the board.

Mr. Leep withdrew the previous motion to deny the variance and made a motion to grant a continuance until the November 28, 2018 meeting. Mr. Martini seconded and it unanimously passed with a 3 – 0 roll call vote.

Old Business: Continued Public Hearing for Target Corporation (continued)

Mrs. Murovic continued with the tabled motion regarding the increase in square footage of the existing bullseye sign and asked Mr. Kevin Nowak if he had obtained the requested information about the square footage of the existing sign. Mr. Nowak replied that he had and that the existing sign was 194 square feet and they are asking for 227 square feet.

Mr. Leep motioned to grant the variance to increase the square footage of the bullseye sign on the west elevation from 194 sq. feet to 227 sq. feet. Mr. Martini seconded and it unanimously passed with a roll call vote of 3 – 0.

New Business: Public Hearing for Daniel Yonovich, 3716 38th Street, requesting a variance to exceed accessory structure allowance, asking to construct a 16' x 24' accessory building (shed) in backyard. {HMC 18.05.060 (F) (5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Daniel Yonovich introduced himself and stated his address. He stated he currently has an attached garage that is 392 square feet and is requesting to add a 16' x 24' shed to his property to store various items such as bicycles and lawn equipment. The combined total of the present garage and the proposed shed would put him at 776 square feet of accessory structure, over the standard allowed by 56 square feet. He considered his hardship to be the fact that he does not have room to store their cars, the riding mower, their camper and various bikes in the garage and that they had outgrown the square footage of their garage. He also stated he was not aware of the concern of the metal siding, which the structure would have, but it is definitely a shed and not a pole barn. He pointed out that he had plenty of space for the shed and he was well below the 40% lot coverage restriction. He also stated it would not be placed near the easement.

Mr. Mika stated for clarity that their main concern was that Mr. Yonovich stay clear of the 15' drainage utility easement to the west of his property. Mr. Yonovich replied that he would stay well clear of that easement.

Mrs. Murovic opened the discussion to the public. Hearing no remonstrance, she brought the discussion back to the board.

Mr. Martini brought up the fact that area was an upscale part of town and that the structure did have metal siding, which was just rejected in the previous hearing. Mr. Yonovich replied that it was decorative metal and much smaller than the previous proposed structure that was turned down. Mr. Mika pointed out that this was a shed, not a garage or storage barn. Mrs. Murovic also pointed out that it was not in street view, it was in the back of the house and it was not being used to store vehicles.

Mr. Martini made a motion to grant the variance to the petitioner for the proposed shed. Mr. Leep seconded and unanimously passed with a roll call vote of 3 – 0.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Martini Second: Mr. Leep Time: 7:42 p.m.